IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12441 of 2004

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJYOG CO-OP HOUSING SOCIETY LTD

Versus

COLLECTOR, GANDHINAGAR

Appearance:

MR DHARMESH V SHAH for Petitioner No. 1

MS NANDINI JOSHI A.G.P. for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/11/2004

ORAL JUDGEMENT

1. The petitioner has by way of this petition challenged the impugned notice dated 12th December, 2004 (annexur-A) issued by the Collector and to direct the respondent to extend the benefits of the "Amnesty Scheme" to the petitioner Society.

2. The short facts of the case as they emerge from the record of the petition, are that the petitioner is a Cooperative Housing Society and had purchased land bearing Survey Nos. 117 & 133 of Village Khoraj, Taluka & District Gandhinagar. The petitioner further submitted that the Society had executed a registered Sale deed, but since the Stamp duty paid was not sufficient, the document was placed under objection. In view of that the Deputy Collector passed an order dated 14th March, 2003 ordering the petitioner Society to pay the deficit stamp duty alongwith fine. Thereafter on 9th May, 2003 the Deputy Mamlatdar issued notice under Section 152 of the Land Revenue Code for recovery of the amount of deficit stamp duty.

3. The petitioner further submitted that on 11th June, 2004, the State Government issued a Scheme namely "Amnesty Scheme" for giving reliefs to the persons whose documents prior to 1st April, 2000 are pending for want of payment of deficit stamp duty. The petitioner submitted that in view of the said scheme, he approached the respondent authorities for extending the benefit of the scheme, since the same has been extended to the other similarly situated persons. The petitioner further submitted that since the respondent authorities did not extend the benefit of the said scheme to the petitioner Society, he has no other alternative but to approach this Court by way of this petition.

4. I have heard the learned counsel for the respective parties. Ms. Joshi learned A.G.P. appearing for the respondent authorities states that if the petitioner approaches the respondent authorities before 15th November, 2004, the respondent authority will consider the case of the petitioner, subject to the condition which has been imposed under the Scheme.

5. In view of the above, the impugned notice dated 12th December 2003 is quashed and set aside. The petitioner shall approach the respondent authorities on or before 15th November 2004 and the respondent authorities shall consider the case of the petitioner under the said Scheme as stated hereinabove. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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